

EXHIBIT A

John Hisey**v.****Cedric King, et al.****CASE DETAIL**

| CASE # | CURRENT JUDGE | FILING DATE | COURT |
|--------------------|-----------------|-------------|----------------------|
| D-202-CV-201705854 | Butkus, Carl J. | 08/11/2017 | ALBUQUERQUE District |

PARTIES TO THIS CASE

| PARTY TYPE | PARTY DESCRIPTION | PARTY # | PARTY NAME |
|------------|-------------------|---------|------------------------|
| D | Defendant | 1 | KING CEDRIC |
| D | Defendant | 2 | WERNER ENTERPRISES INC |
| P | Plaintiff | 1 | HISEY JOHN |

ATTORNEY: HENRY JUSTIN

CIVIL COMPLAINT DETAIL

| COMPLAINT DATE | COMPLAINT SEQ # | COMPLAINT DESCRIPTION | DISP | DISP DATE |
|----------------|-----------------|-----------------------|------|-----------|
| 08/11/2017 | 1 | OPN: COMPLAINT | | |

| COA SEQ # | COA DESCRIPTION |
|-----------|----------------------------|
| 1 | Tort: Personal Injury Auto |

| PARTY NAME | PARTY TYPE | PARTY # |
|------------|------------|---------|
|------------|------------|---------|

REGISTER OF ACTIONS ACTIVITY

| EVENT DATE | EVENT DESCRIPTION | EVENT RESULT | PARTY TYPE | PARTY # | AMOUNT |
|------------|-----------------------|--------------|------------|---------|--------|
| 09/07/2017 | SUMMONS RETURN | P | | 1 | |
| 08/17/2017 | | | | | |
| 08/11/2017 | JURY DEMAND 6 PERSON | | | | |
| 08/11/2017 | ARB: CERT NOT SUBJECT | | | | |
| 08/11/2017 | OPN: COMPLAINT | | | | |

JUDGE ASSIGNMENT HISTORY

| ASSIGNMENT DATE | JUDGE NAME | SEQ # | ASSIGNMENT EVENT DESCRIPTION |
|-----------------|-----------------|-------|------------------------------|
| 08/11/2017 | Butkus, Carl J. | 1 | INITIAL ASSIGNMENT |

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

JOHN HISEY,
Plaintiff,

v.

NoD-202-CV-2017-05854

CEDRIC KING AND JANE DOE KING;
WERNER ENTERPRISES, INC.,
Defendants.

COMPLAINT FOR PERSONAL INJURY

COMES NOW Plaintiff John Hisey, by and through his attorneys of record, Levenbaum Trachtenberg, PLC (Justin Henry, Esq.), and for his Complaint for Personal Injury alleges as follows:

1. At all times relevant hereto, John Hisey was a resident of Bernalillo County, State of New Mexico.
2. Upon information and belief, Defendants Cedric King and Jane Doe King were at all relevant times residents of Duval County, State of Florida. Plaintiff alleges, upon information and belief, that these Defendants are husband and wife, and that all actions alleged herein were committed on behalf and for the benefit of the marital community.
3. Upon information and belief, Defendant Werner Enterprises, Inc., is a foreign corporation incorporated under the laws of the State of Nebraska, and is authorized to transact business, and is conducting business, in the State of New Mexico.
4. All Defendants herein have caused an event to occur in the State of New Mexico, which event is the subject matter out of which the claims alleged in this Complaint arise. The amount in controversy in this matter exceeds the minimal jurisdictional amount

required for Second Judicial District Court jurisdiction.

5. Venue and jurisdiction are proper in this court.

6. On July 7, 2016, John Hisey was riding his 2003 Harley Davidson motorcycle northbound in the curb lane of University Boulevard NE in Albuquerque, New Mexico.

7. At that time, Defendant Cedric King was operating a 2014 Freightliner tractor-trailer when he pulled out onto University Boulevard from the far west side of the roadway.

8. After entering the northbound lanes of travel, Defendant Cedric King moved his vehicle, suddenly and without warning, attempting to make a right turn across both northbound lanes of traffic into a private drive on the east side of University Boulevard directly into the path of Plaintiff John Hisey.

9. Defendant Cedric King failed to verify all lanes of traffic were clear prior to proceeding across both northbound lanes of University Boulevard, and failed to yield the right of way to Plaintiff while attempting to make a right turn from the roadway into a private drive ultimately causing a collision with Plaintiff John Hisey.

10. Defendant Cedric King was inattentive, failed to ensure it was safe to execute a right turn from the roadway into a private drive, failed to yield the right of way, and failed to control his vehicle causing a collision with Plaintiff John Hisey's motorcycle.

11. Defendant Cedric King's operation of the motor vehicle was careless, negligent, and otherwise unlawful.

12. Defendant Cedric King violated Section NMSA 1978, 66-7-325(A) when he was inattentive, failed to ensure it was safe to execute a right turn from the roadway into a private drive, and collided with Plaintiff John Hisey's motorcycle.

13. Defendant Cedric King's violation of Section NMSA 1978, 66-7-325(A) constitutes negligence *per se*.

14. As a direct and proximate result of the careless, negligent, and unlawful acts

and/or omissions of Defendant Cedric King, Plaintiff suffered bodily injuries, some of which may be permanent in nature, all to his general damage.

15. As a direct and proximate result of the negligent, careless, and unlawful acts and/or omissions of Defendant Cedric King, Plaintiff incurred medical expenses, and may incur medical expenses in the future, in a sum according to proof.

16. As a direct and proximate result of the negligent, careless, and unlawful acts and/or omissions of Defendant Cedric King, Plaintiff incurred economic losses as a result of his lost income, in a sum according to proof.

17. As a direct and proximate result of the negligent, careless, and unlawful acts and/or omissions of Defendant Cedric King, Plaintiff incurred general damages as a result of the loss of enjoyment of life, that is, participation in life's activities to the quality and extent normally enjoyed before the injury.

COUNT ONE

(Negligence as to Defendant Cedric King)

18. Plaintiff incorporates by reference all previous allegations as though specifically set forth herein.

19. Defendant Cedric King owed a duty to Plaintiff to operate his vehicle with reasonable and prudent care under the circumstances.

20. Defendant Cedric King breached his duty of care when he was inattentive, failed to yield the right of way, and failed to control his vehicle causing a collision with Plaintiff's motorcycle.

21. As a direct and proximate result of Defendant Cedric King's negligent conduct, Plaintiff suffered severe and permanent physical, emotional, and economic injuries.

COUNT TWO

(Vicarious Liability as to Defendant Werner Enterprises, Inc.)

22. Plaintiff incorporates by reference all previous allegations as though specifically set forth herein.

23. Upon information and belief, Defendant Cedric King was an employee and/or agent of Defendant Werner Enterprises, Inc. at all relevant times.

24. Upon information and belief, Defendant Cedric King was acting within the course and scope of his employment with Defendant Werner Enterprises, Inc. at all relevant times.

25. Defendant Werner Enterprises, Inc. is vicariously liable for the careless, unlawful and/or otherwise negligent conduct of its employees and/or agents, including Defendant Cedric King.

26. Defendant Cedric King owed a duty to Plaintiff to operate his vehicle with reasonable and prudent care under the circumstances.

27. Defendant Cedric King breached his duty of care when he was inattentive, failed to yield the right of way, and failed to control his vehicle causing a collision with Plaintiff's motorcycle.

28. As a direct and proximate result of Defendant Cedric King's negligent conduct, Plaintiff suffered severe and permanent physical, emotional, and economic injuries.

29. As such, Defendant Werner Enterprises, Inc. is liable for John Hisey's injuries and damages.

WHEREFORE, Plaintiff prays for judgment against the Defendants, and each of them, as follows:

- A. For general damages for Plaintiff in a fair, just, and reasonable sum in excess of the minimum jurisdictional limits of this Court;
- B. For present and future medical expenses incurred by Plaintiff, in a sum according to proof;
- C. For loss of income and any loss of earning capacity in a sum according to proof;
- D. For pre-judgment interest on Plaintiff's liquidated damages;
- E. For Plaintiff's costs incurred herein; and

F. For such other and further relief as the Court may deem just and proper.

DATED this 10 day of August, 2017.

LEVENBAUM TRACHTENBERG, PLC



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Attorneys for Plaintiff

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

JOHN HISEY,
Plaintiff,

v.

No. D-202-CV-2017-05854

CEDRIC KING AND JANE DOE KING;
WERNER ENTERPRISES, INC.
Defendants.

CERTIFICATE RE COURT-ANNEXED ARBITRATION

The undersigned certifies he knows the dollar limits and any other limitations set forth by the local rules of practice for the Second Judicial District Court, and further certifies this case *is not* subject to court-annexed arbitration pursuant to LR2-603 of Rules of the District Court of the Second Judicial District.

DATED this 11 day of August, 2017.

LEVENBAUM TRACHTENBERG, PLC



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Attorneys for Plaintiff

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

JOHN HISEY,
Plaintiff,

v.

No. D-202-CV-2017-05854

CEDRIC KING AND JANE DOE KING;
WERNER ENTERPRISES, INC.
Defendants.

DEMAND FOR JURY TRIAL

Pursuant to Rule 1-038 of the New Mexico Rules of Civil Procedure, Plaintiff John Hisey hereby respectfully requests a civil jury trial with a six-member jury.

DATED this 11 day of August, 2017.

LEVENBAUM TRACHTENBERG, PLC



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Attorneys for Plaintiff

SUMMONS

**Second Judicial District Court
Albuquerque, Bernalillo County,
New Mexico
400 Lomas Boulevard NE
Albuquerque, New Mexico 87102
Tel (505) 841-7451**

Case No: D-202-CV-2017-05854

Judge: Carl J. Butkus

**Plaintiff: JOHN HISEY
vs.
Defendants: CEDRIC KING and JANE
DOE KING, husband and wife;
WERNER ENTERPRISES, INC., a
Foreign Corporation.**

**TO DEFENDANT:
WERNER ENTERPRISES, INC.
c/o Corporation Process Company,
Registered Agent
205 East Bender, Suite 150
Hobbs, New Mexico 88240**

TO THE ABOVE NAMED DEFENDANTS: TAKE NOTICE THAT

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter Judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org: 1-800-876-6227; or 1-505797-6066.

DATED at Albuquerque, New Mexico, this ____ day of August, 2017. 8/17/2017



JAMES A. NOEL
CLERK OF THE DISTRICT COURT

By:

Cathy Chavez
Cathy Chavez, Deputy

Attorney for Plaintiff

Justin Henry

Justin Henry (SBN 146701)
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THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 NMRA OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN:

STATE OF NEW MEXICO)

COUNTY OF Lea)ss

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in Lea County on the 23rd day of August, 2017, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

☐ to the defendant _____ *(used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint)*

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA *(used when service is by mail or commercial courier service)*

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, *(used when the defendant is not presently at place of abode)* and by mailing by first class mail to the defendant at _____ *(insert defendant's last known mailing address)* a copy of the summons and complaint.

☐ to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ *(insert defendant's business address)* and by mailing the summons and complaint by first class mail to the defendant at _____ *(insert defendant's last known mailing address)*.

☒ to Corporation Process Company, an agent authorized to receive service of process for defendant Whelan Enterprises, Inc.

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ *(used when defendant is a minor or an incompetent person)*.

☐ to _____ *(name of person)*, _____ *(title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision)*.

Fees:

[Signature]
Signature of person making service

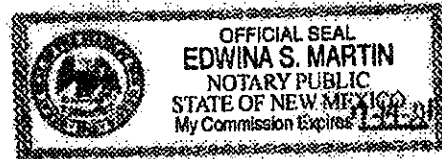
Process Server
Title (if any)

Subscribed and sworn to before me this 23rd day of August, 2017

Edwina S. Martin

Judge, notary or other officer
authorized to administer oaths

Notary Public
Official title



USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.
2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013; as amended by Supreme Court Order No. 13-8300-022, effective for all cases pending or filed on or after December 31, 2013; as amended by Supreme Court Order No. 14-8300-017, effective for all cases pending or filed on or after December 31, 2014.]